

Final Report of the Independent Commission of Experts Switzerland – Second World War (Summary)

In December 1996, both chambers of the Swiss parliament unanimously approved a Federal Decree to appoint a commission of experts whose task was to conduct a historical and legal probe into the fate of assets which reached Switzerland as a result of the National Socialist regime. After a five-year period of investigative activity, the Independent Commission of Experts Switzerland – Second World War (ICE) is pleased to present its Final Report to the public in German (original version), French, Italian, and English. The Final Report is divided into seven main chapters and comprises approximately 600 pages. It is published by the Federal Publications and Supplies Office (EDMZ) and commercialized by Pendo Editions Zurich. In addition, the Final Report will also be accessible beginning 22 March 2002 (from 12:00 pm) on internet (www.uek.ch).

On 19 December 2001, exactly five years after the Swiss government (Federal Council) had named the members of the Independent Commission of Experts Switzerland – Second World War and entrusted them with a detailed description of their investigative tasks, the ICE chaired by Prof. Jean-François Bergier concluded its mission of historical research and, seizing the occasion of its official dissolution by the Federal Council, formally presented Federal Councillor Ms. Ruth Dreifuss with a copy of its concluding report. The production phase, which included the task of translating along with the organization of publishing and printing, lasted about three months, and the ICE is finally able to present its Final Report to the public in the original German as well as in French, Italian, and English versions. It was the common desire of both the ICE and the Federal Council that the Report be published simultaneously in all of these languages.

Relationship between the Studies and the Final Report

Last year, at two press conferences held at the end of August and the end of November respectively, the ICE presented 18 of the studies, research contributions, and legal analyses in a series of 25 volumes published by Chronos Editions (Zurich). These individual reports were written by the ICE's research teams as well as by commissioned experts, and were approved by the members of the Commission. The remaining seven studies will also be published together with the final report today. These works illustrate the entire range of issues covered by the Commission's research assignment, representing the fruit of an analysis of sources held in public and private archives both in Switzerland and abroad. In all of the historical studies, research contributions, and in the two volumes of collected analyses regarding private and public law, the Commission has made it a primary concern to embrace, on as wide a scope as possible and in all their complexity, the numerous specific issues and aspects relating to its research mission. As a rule, the studies also contain appendices listing the sources consulted along with precise references to the archive holdings consulted by the research assistants. For this reason, these publications also represent a unique starting point for the in-depth research into the Nazi period that will be taking place in Switzerland and abroad even after the ICE has ceased its activity.

Included in the mandate conferred on the ICE was the task of drawing up a Final Report for the attention of the Federal Council. The individual chapters and sub-chapters of this Final Report were written by the members of the Commission, whereas certain parts of the rather lengthy chapter 4 – with its twelve sub-chapters – as well as chapter 5 were written by the authors of the studies upon the instruction and in cooperation with the Commission. The editing team of the German (original) version of the Final Report was composed of Mario König and Bettina Zeuglin.

Structure of the Final Report

Chapter 1 (Introduction) describes how in the middle of the 1990s, the role of Switzerland during the Second World War became a topic of popular discussion. It goes on to outline the issues and status of historical research at the time, and continues by sketching out the planned research program along with the individual work phases. The relationship between the academic disciplines of History and Jurisprudence is discussed, and the significance of an unprecedented, privileged access to archives – granted pursuant to the Federal Decree of 1996 for a five-year period – is highlighted.

Chapter 2 leads the reader into the history of the inter-war years and into the period of the Second World War. It conveys the national setting and the international context within which the rise of the National Socialist regime took place and the crimes of Nazism became possible. Without anticipating the results of the Commission's investigations, it relies on the state of historical research to portray the radical political, economic, and social upheaval of the 1930s and 1940s taken from an international perspective but with a primary accent on how they affected Switzerland.

Chapter 3 deals with the Swiss policy on refugees. In this chapter, the ICE also picks up on the criticism which was particularly directed at the statistics on the acceptance and rejection of civilian refugees further to the December 1999 publication of the interim report "Switzerland and Refugees in the Nazi Era". In addition, the ICE takes a closer look at the criticism that was publicly expressed with respect to the conduct of the Federation of Jewish Communities in Switzerland.

Chapter 4 takes up the topic of the foreign trade connections of Swiss companies and/or their subsidiaries together with the asset transactions that took place especially in the economic area under Nazi hegemony. Here the Commission reverts in part to the results of studies that it has already published. This "Economic Chapter" comprising a total of twelve sub-chapters deals with the topics of foreign trade, the armaments industry and the export of war materials, electricity exports, Alpine transit and transport services, gold transactions, the banking system and financial services, Swiss insurance companies in Germany, industrial companies and their subsidiaries in Germany, the use of prisoners of war and forced labor, «Aryanization», the flight and the looting of cultural assets, and lastly German camouflage and covert asset-relocation operations in Switzerland.

Chapter 5 examines the issues under discussion from a legal point of view. In the sub-chapter on public law for instance, the legal aspects of Swiss war-time government by executive authority, refugee policy, diplomatic protection of Swiss Jews residing abroad, neutrality policy, as well as the question of looted gold are examined and assessed. The sub-chapter on international private law spotlights the dealings in looted cultural assets and trade in foreign securities, as well as the issue of «dormant assets».

Chapter 6 conducts a general survey of issues of property rights in the post-war period and thus delves into core issues the Commission was charged to investigate. This chapter brings together the findings spread out in the numerous individual studies and places them into a larger context. The major points of reference are the 1946 Decree on Looted Assets and the so-called Registration Decree of 1962. In addition, the chapter analyzes the conduct of the major Swiss players (the economy, the government, and the judiciary) with respect to restitution claims after 1945.

In chapter 7, the ICE sifts through all of its newly acquired realizations and insights in order to assess the behavior of the Swiss decision-makers in the areas of politics, the economy, and the judiciary with respect to those who were victims of Nazi injustice. A critical questioning of the historiography of the cold war period together with the historical portrayal painted at the time represent the point of departure for the Commission's historical and legal analysis. The Commission provides its assessment on refugee policy, assets which arrived in Switzerland and their «dormancy» after 1945, neutrality law and neutrality policy, the challenge posed by the Nazi system of injustice to the Swiss constitutional state, as well as

the question of how much was known about the Holocaust and on the issue of political responsibility. The ICE also confronts the thesis that Switzerland allegedly prolonged the war.

Publication and Sale in Switzerland and Abroad

The Final Report is published by the Federal Publications and Supplies Office (EDMZ). An agency agreement has been concluded between the EDMZ and Pendo Editions to enable it to be commercialized in bookstores nationally and internationally. The Italian version is sold by Armando Dadò Editions (Locarno). In addition, negotiations on distribution rights are being planned with publishing houses in both French and English-speaking countries.

Independent Commission of Experts Switzerland – Second World War: Switzerland, National Socialism, and the Second World War. Final Report. Pendo Editions, Zurich, 2002, 597 pages, ISBN 3-85842-603-2, CHF 45.– / EUR 29.90.

From 22 March 2002, the Final Report is also available on the ICE Homepage website: www.uek.ch.